

ing outbreaks due to carriers has recently been reported.² The most notable of these was in a Poorhouse. A lunatic, who had been an inmate since 1904 was found to be a typhoid carrier in 1914. In January and February, 1909, sixteen cases occurred among the 168 beds, 40 of which are for the insane. Following this other cases occurred in 1910, 1913, 1916, 1918 and 1921. Other possible sources of infection were examined for and excluded. Since there was no evidence that the carrier himself had become infected in the institution, it is probable that he became a carrier during his military service in India. The case suggests the advisability of examining inmates for the carrier condition on admission, though even with this knowledge the control of lunatics is often difficult.

In 1921, the Scottish Board of Health passed regulations giving power to treat carriers as though they were persons actually ill of the disease. The medical officer and one other registered medical practitioner must certify to the condition, and such a certificate is valid for three months only. The carrier can also demand a re-examination during the three months by giving written notice forty-eight hours in advance. Provision for appeal to the Board is also provided for.

This seems to be a step in the right direction, but falls far short of solving the carrier problem, which still requires the thoughtful consideration of all sanitarians and health officials.

M. P. R.

THE SUPREME COURT ON VACCINATION LAWS

All who are interested in seeing the triumph of science in the prevention of disease will rejoice over the recent decision of the United States Supreme Court upholding ordinances requiring vaccination. It will be noted particularly that these ordinances were promulgated by a city, and it is no small thing that the Supreme Court¹ has once more ruled that "a city ordinance is a law of the State within the meaning of Section 237 of the Judicial Code as amended * * * *"

The case under consideration was that of *Rosalyn Zucht* against the city of San Antonio, Texas. The ordinances provided that no child or other person should attend a public school or other place of education without presenting a certificate of vaccination. Acting under this ordinance the authorities excluded the girl from the public schools and also from a private school. The bill alleged that there was at that time no occasion for requiring vaccination and that the plaintiff was in effect deprived of her liberty without due process of law. Another point of particular importance is that the complaint claimed that the ordinances were void because "they leave to the Board of Health discretion to determine when and under what circumstances the requirement shall be enforced without providing any rule by which that board is to be guided in its action and without providing any safeguards against partiality and oppression."

The opinion of the court was delivered by Justice Brandeis and covers thoroughly every point of controversy, assuring to health officers full powers in such matters in the future. It quotes the case of *Jacobson v. Massachusetts* as having settled the police power of the State to provide for compulsory vaccination, and also, with other cases, the right of a state to delegate to municipalities authority to determine under what conditions health regulations shall become operative. The decision points out that these ordinances do not confer arbitrary power, but do allow "that broad discretion required for the protection of the public health."

We have in another editorial pointed out the growth of so-called conscientious

1. Public Health Reports, Nov. 24, 1922.

2. On Some Outbreaks of Enteric Fever due to Carriers of Infection. Frederick Dittmar, Medical Officer, Scottish Board of Health, Proceedings Royal Society of Medicine, Nov., 1922.

objection in England, and of the carelessness in our own country, followed by the reappearance of smallpox showing the virulence and death rate which our fathers and grand-fathers were accustomed to see. It has been abundantly demonstrated that even where vaccination does not entirely protect against the disease the symptoms are ameliorated and the death rate tremendously lowered, so that the disease has recently lost much of the terror with which it inspired people two or three generations ago.

Education of the public should be resorted to in season and out of season. In the end, it is always better to have people carry out preventive measures willingly and through a fair knowledge of the principles which underlie these measures. Where this cannot be done the police power of the State must be resorted to. It is true that at the present time we invoke this police power to the least possible extent, and this is well. The practice should be encouraged and extended as far as possible, but occasions arise where an appeal to reason is of no avail and then the strength of the law must be invoked.

There are certain people who cannot be educated nor reasoned with. It has been said that to argue with one who refuses to recognize the dictates of reason is like preaching to the dead. Unfortunately some of these persons are deluded. They are under the control of certain cults or sects in medicine which have gained their confidence. History is full of tragic incidents such as the death of children who might have been saved by the use of diphtheria antitoxin, of pelvic peritonitis and appendicitis being treated by adjustments and rubbing with fatal results, and similar tragedies. Where reason and education fail then the law must be invoked.

It is a cause for thankfulness that while state legislatures have in many instances opened the doors to all sorts of cults, they have as a rule maintained the right of boards of health to take care of the public. Physicians, sanitarians and health officers must however be constantly on the watch and protect the public in spite of itself.

M. P. R.

LEST WE FORGET

There is a story that Thomas Hood, in order to remember the necessity of preparing for death, had a picture of himself in a coffin hung at the head of his bed, where he perforce must see it daily, yet even this did not entirely accomplish his object. The story illustrates a characteristic which health officers are constantly called upon to reckon with. Strange as it may seem, it is still necessary to show proofs of the efficacy of vaccination against smallpox, and even those who do not doubt its value are prone to grow lax when danger of the disease seems remote. The various cults which are constantly coming into existence engage in an enormous amount of propaganda, which the lay public are not able to estimate at its true lack of value. It is necessary to keep facts constantly before the public—to conduct a never ending campaign of instruction.

During the past two years there have been several outbreaks of smallpox which showed a return to the virulence of the pre-vaccination days. The cause has been failure to vaccinate and re-vaccinate. In the absence of immediate danger the public and even physicians forget.

In England, the home of Sir Edward Jenner's great discovery, although compulsory vaccination is the rule, more and more persons are refusing vaccination. England is the paradise of the conscientious objector, and this privilege is being used increasingly.